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THE GAVEL



VOLUME VII - No. 7

APRIL 1959

WASMUTH STARTS NATIONAL COLUMN

Carl E. Wasmuth, outgoing Editor-in-Chief of the Law Review, had his first "national newspaper column" published in the Medical News Weekly on February 25th. This is a "first" for Cleveland-Marshall Law School, believed to be a unique achievement, in that a student became a nationally-published columnist on Law while still in law school.

The Medical News is a top national publication in the medical field, having a weekly circulation of about a quarter of a million readers. Wasmuth's first column was on the subject of the "Art of Legal Judo (For Physicians)." Other columns on other medicolegal subjects, by Wasmuth, are scheduled for publication in this periodical.

Blake Cabot, Managing Editor of Medical News, was so impressed by Wasmuth's writings in the Cleveland-Marshall Law Review that he came to Cleveland from New York to invite Wasmuth to write a regular column on medicolegal subjects for the weekly. This writing is professional in nature - paid for by the publication.

Dr. Wasmuth is an anesthesiologist at Cleveland Clinic Hospital, and was a well-known contributor to many medical journals before beginning his law studies. The personable M.D. will receive his LL.B. from Cleveland-Marshall next June. He already has been tapped by Dean Stapleton to join the faculty of Cleveland-Marshall next fall, to teach Medical Law in the expanding medicolegal course planned for the graduate and elective program.

Writing for the Law Review seems to be the royal road to success, now that our Review is so well known. Wasmuth earlier had declined a \$35,000/yr. job offered in New York as a result of his
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editorial work with the Review. A classmate of his, Aaron Jacobson, also on the Review's staff, received a flattering (and remunerative) invitation to do legal research and writing work for a Columbia University law project not long ago.

Carl Wasmuth's achievement reflects credit on the Law School and on its faculty and students. Congratulations and good wishes are in order.

PROFILE OF DEAN STAPLETON

by Robert Dunsmore

Wilson Gesner Stapleton, lawyer, Dean, Mayor, civic-leader, received his B.S. at Boston University in 1928 and was elected to Phi Beta Kappa; LL.B. Cleveland Law School, 1934; M.A. Western Reserve University, 1941; LL.D. Honorary, Atlanta Law School, 1954.

Married Olive Vaughan, (deceased) August 1933 and had three children: Olive, Wilson and Vaughan. Married Betty Jane McDowell in September 1957.

The Dean's reputation as an efficient administrator and educator has a long history which dates back to his position of Director of Admissions, University School, Shaker Heights, 1929-1938; Title & Trust Officer, Guyahoga Abstract Title & Trust Co. 1940-1946; instructor in Real Property at Western Reserve University; and a professor of Partnership, Corporation and Real Property Law at Cleveland Law School. He became Dean of Cleveland Law School and when it merged with John Marshall in 1946 he became Dean of the new Cleveland-Marshall Law School. He has been a partner in the firm of Howell, Roberts & Stapleton since
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WALLY
THE
WALRUS

"The time has come the Walrus said
To talk of many things:
Of shoes and ships and sealing wax,
Of Cabbages and kings."

Well, Spring has come to the Pole and all the fish and penguins are busily cleaning up the winter's accumulation of debris. You would be surprised just how much junk can accumulate in a short period of time, what with submarines having picnics on the ice floes and A-Bombs being exploded. Yes sir, it does your heart good to see all that money being spent on the preservation of peace.

Looks like the Pole isn't the only place with spring cleaning problems. Wally understands that three classes had to be canceled because so many students didn't recognize the building with all the construction work going on. Looks very nice so far. It sure would be interesting to know what the general plan is for the entire building.

Speaking of spring, most people associate spring with wind and Clevelanders were recently pleased to find that even though Chicago has always been known as the "Windy City" the title actually belongs to Cleveland. The Old Walrus cannot understand why this should come as a surprise to anyone. Why some of the leading citizens of Cleveland can out-talk, outbluster, outplan, and get the least done of any city in the country -- and that includes Texas. Now take a city like Chicago, what can they offer to compare with our fair city? They too have a lake-front but do you think for one minute that they are up-to-date enough to use it as a wonderful place to burn or bury garbage? Nope, they're real backward up there. The only thing those poor misguided people could come up with is a lake trimmed with beautiful, modern, apartment houses, hotels and beaches. Silly, aren't they?

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Editor-in-Chief: Robert E. Loew
Contributing Staff: Leon Nagler, Robert Dunsmore, Harold Holdridge, Joan Holdridge, Janet Eterovich, Don Harrington
Amicus Curiae: Mary Blazys
Faculty Advisor: Prof. William Samore

FRATERNITY NEWS

Don Harrington, "Clerk of the Rolls"

Fred Lick, Membership Chairman, announces that April 25 has been set for the formal initiation of new pledges into Delta Theta Phi. The formal initiation ceremonies will take place in Judge Lee Skeel's chambers of the Court of Appeals in the afternoon. Preceding the initiation there will be a luncheon at the University Club, 3813 Euclid Avenue at 12:00 Noon. The luncheon speaker will be announced at a later date. All members who wish to attend the luncheon are urged to contact Dean Pat Moran, Fred Lick, or Don Harrington.

Friday, April 24th, has been set as the evening for our pledge ceremonies preceding the formal initiation on the day after. This year's pledge class will consist of 24 future members. Some of the members are probably anxious to get better acquainted with the new men and we are looking forward to a good turnout. Refreshments will be served.

May 2nd should be set aside for the annual Spring Dance. Lou Elgart will conduct the music for the festivities and all members and their friends should make a special point of attending. During the evening, the awards for the Best Law Review Article for the year will be presented, as well as the award for the Man who has contributed most to the fraternity during the school year. Other award for scholarship will also be presented.

The dance will be held in the main ballroom of the Cleveland Hotel. The dance is open to all members of the student body and their friends according to Russ Sherman and Keith Weber, Co-chairmen of the Social Committee.

Don't forget the dance May 2nd at the main ballroom of the Cleveland Hotel and the initiation ceremonies and luncheon on April 25th.

PROFILE OF DEAN STAPLETON

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1946 and is a recognized authority on real property law, being the author of numerous articles and papers on the law in that field. He is a member of the American, Ohio, Cleveland, and Cuyahoga County Bar Associations; member, American Judicature Society; member, American Arbitration Association (National Arbitration Panel); past Dean of Delta Theta Phi Alumni Senate; past President, League of Ohio Law Schools; past President, Cleveland Alumni Phi Beta Kappa.

The Dean's record is replete with outstanding contributions to the community. For several years he served as operations executive over a five-state area for the Regional O.P.A. From 1940-44 and 1952-55 he was a member of the Shaker Heights City Council and was on the Planning Commission for that City. He has served as Mayor of Shaker Heights from Jan. 1, 1956 to the present with the term expiring Jan. 1, 1960. He has not yet announced his plans as to whether or not he will run again for the next term, but it is a certainty that the City of Shaker Heights has benefited from having a man of his experience at the Mayor's post these past four years. Nothing needs to be added to his record; he can stand on it alone.

And speaking of records, what better example than our school, his favorite endeavor. He has, with the help of others, supplied the initiative that has brought a student lounge, an elevator, and a new lobby to the school within the past two years; and other improvements will continue to be forthcoming. Not only the facilities have changed, but he has been tireless in his effort to provide an outstanding faculty worthy of a first class law school.

It has been no secret that night law schools have been the subject of severe criticism from certain of the day law schools, but despite this and other adversities, under the Dean's administration, the school has received provisional approval of the A.B.A. This has been the goal of the Dean and his entire staff for a good many years and it is gratifying to know that recognition of an honest and difficult effort is now forthcoming.

We, the students, have benefited from
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the devotion of the Dean to Cleveland-Marshall. His understanding and sympathetic attitude is coupled with a demand for extra effort and high academic standards. His invitation at every indoctrination class to all the students "to come and see us if you feel you are in trouble, don't wait till we come and see you" is typical of his entire perspective.

There is no doubt about it, we owe a big portion of our chance for success to Dean Wilson G. Stapleton. His record is our inheritance.

WITNESS FOR THE PLAINTIFF (or The Willing Witness)

by

Howard L. Oleck

Clogging of court calendars with accident cases soon may drop off sharply, if the tactics of a certain accident witness are adopted by many other wily subjects of subpoenas.

Mr. John Doe, the said witness, when called upon by the plaintiff's law clerk-investigator, recently, startled the young man. He invited the fledgling legal eagle in, and offered him a drink. Then added cheerily, "All right, counsellor, you may start filling out your question form."

The law clerk was stunned. He had had more difficulty in persuading the plaintiff himself to give a witness' statement. Nor did he notice anything sinister in Mr. Doe's capitulation.

Mr. Doe gave the investigator a comfortable chair, and himself relaxed in another seat, lit his cigar, and seemed to settle down for the evening.

Young Blackstone took pen in hand, opened his questionnaire form, and began briskly: "What, Mr. Doe, is your full name?"

"Now then," Mr. Doe began slowly and thoughtfully - he spoke very slowly all the time - "that happens to be a bit hard to say. Fact is my birth certificate was filled out by a midwife, and it carries my name as Ronald. But my mother told me that it should be Peter. My middle name is John, and everybody calls me John. Some day I'll have to have the birth certificate corrected"

"What name do you usually use," the
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WALLY (continued from page 2)

Look at two other neighboring cities - Detroit and Pittsburgh. They are both working very diligently on a good neighbor policy to help solve Cleveland's convention space problem. If everyone will just be a little patient, Detroit will soon have a wonderful new convention hall and facilities to sleep and entertain the delegates. Pittsburgh is also working in a similar direction and the skyscrapers and landscaping of Gateway Center is quite majestic. These are projects which would still be in the talking stages if they had been proposed in Cleveland. But onward and upward for more speech -- no rash, half-thought-out plans for our fair city.

Wally is glad to see that with the coming of spring the cities are repainting the traffic lane stripes on the street. We think this is a wonderful idea and just wonder why the powers that be seem to think they are needed in the spring, summer, and fall, but not in the winter. As soon as the first snow falls each year and the salt trucks (bless them) have made their rounds a few times the markings are obliterated not to be seen again until repainted in the spring. Are Clevelanders supposed to drive by some radar-like sixth sense during the winter? Traffic is bad enough without everyone wondering where the lanes are.

One other point. Wally does not have the vaguest idea what the cost of the paint presently being used is but how much more would it cost to use a paint that is visible at night and especially on a rainy night? The use of phosphorescent paint is wide-spread throughout the country except in Cleveland. Wonder if anyone could establish the lack of such paint as negligence on the part of a city and the proximate cause of an automobile crash, the thought has possibilities and it would most likely take something as far fetched before such paint would be used -- in the meantime just stay loose in traffic.

There are so many things to think about with the coming of spring. For the Seniors there are the comps to look forward to and the bar on its heels. For the rest there is merely the problem of finals and what to do during the summer. A thought that has occurred in this cor-

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ner is that summers be used as a review of the courses taken the year before, i.e., this summer the sophomores would review their freshman courses and next summer their sophomore courses. Just for what it's worth, it might just help.

By the time you read this, the Indians will have begun their '59 campaign and they might just have a lineup that will stick for about two games. But regardless of who is playing they should be a good team and definitely an exciting team this year. As long as no one panics - if they don't break on top - it should be a good baseball year in Cleveland this year.

Wally's Thought For the Month -- We wonder how many of the people who are always ready to defend the right of freedom of speech realize that implicit in such a right is an individual's privilege of freedom from abuses of the right. In conjunction, why don't congressmen ever make the same personal attacks when speaking away from Congress as they are so ready to make from the floor?

RIGHT-TO-WORK REVISITED by Karl Seuthe

The March issue of "The Gavel" carried an article expatiating on the evils of unionism, using as a frame of reference the recently defeated "Right to Work" law.

The Right to Work Bill as we know, was resoundingly defeated. We now have reached a decision in the State of Ohio as to Right to Work laws.

Nevertheless there remains an area which seems to disturb the writer of the article cited above, that is, the basic right of a person to belong or not to belong to a labor union of his choice. Somehow this is reminiscent of a person who dislikes taxes intensely, and therefore that taxes should be abolished. But taxes and the union movement are not so easily wished into Limbo. This in no way signifies lack of feeling for those union members who may have been denied just treatment by criminal activities of some men in some unions.

Even so, it seems rather arbitrary to make a blanket statement that one would not have anything to do with unions or

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WITNESS FOR THE PLAINTIFF

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law clerk asked, "say on your social security card?"

Mr. Doe couldn't remember that off-hand. He went into the next room to look for the card. Half an hour later he ambled out again, shaking his head. "Couldn't find it. Have to get another card one of these days."

"What name do you use on your income tax returns?" Hopefulness rang in the question.

"Usually, 'John.' But I'm worried about that. It really isn't my name. Might get me into trouble with the tax people."

It took the young investigator a while to quiet Mr. Doe's fears on that score. Finally, he wrote "John" on the form. Then Mr. Doe asked him to strike it out, then put it in again. After a while, with a slightly hysterical laugh, the young man tore up the form and took another one.

He wrote "John Doe" in the top blank, and read it aloud as he wrote.

"No, no," Mr. Doe said, as the pen scratched, "not Doe. Roe is the name. Everybody gets it wrong. It really is Roe, not Doe."

The law clerk tore up the form and started a third. When he had reached the place for the witness' address he looked up doubtfully. "This is your home here, isn't it?"

"Well yes and no," said Mr. Roe. "Come next month we'll be moving to Bedford. Haven't got a place to live there yet. That'll have to wait. Best use this address for the time being."

The law clerk looked vaguely unhappy. He wrote the address down. "Will you please let us know when you move! Now then," his uneasiness was becoming visible, "how old are you?"

Mr. Roe smiled. "Same trouble again. That birth certificate! Either forty-six or forty-seven."

The pen scratched hastily. "Forty-seven."

"Now then, Mr. Roe, where do you work?"

Mr. Roe grinned. "Haven't worked for several years now. Bad heart, you know! My son Charlie supports me."

The investigator looked up. Panic lurked in his eyes. He took the bit in his teeth. "Mr. Roe," he blurted out, "how is your eyesight?"

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His face quite expressionless, Mr. Roe replied, "Can't see much without my glasses, at all. Why do you ask, young man?"

"I take it you weren't wearing your glasses on the day of the accident!" He was putting the questionnaires back in his briefcase as he spoke.

Mr. Roe shook his head. "Nope. I wasn't. Funny you should know that!"

The young law clerk screwed the cap back on his pen and arose heavily. He looked down at the floor.

"Thank you, Mr. Roe. That's all for now," he said, as he went out.

RIGHT-TO-WORK REVISITED

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labor management relations. Such strong feelings might be better directed towards remedying a situation which obviously does exist. I refer particularly to the case of I.A.M. vs. Gonzales, a 1958 Supreme Court decision, which paved the way to the enforcement of rights between union members and their own individual unions. This was a case in which damages were allowed for improper expulsion from the union. It is noteworthy that there are only two grounds upon which a person who works in a union shop may be arbitrarily expelled by his union. One is for failure to pay a proper initiation fee, and the second is for failure to pay dues as they fall due. There is no question in my mind that the cases cited in the article mentioned were properly-reached decisions that condemn abuse of the law by unions, or by anyone.

The unions movement is here to stay. Because of its rapid growth, and because of its inherent characteristics, it can be a vehicle misused by corrupt people for their own ends. These, unfortunately, are the cases the newspapers love to feature. But no great mention is made in our newspapers of enlightened union activities, such as may be found in the help granted by the I.L.G.W.U. to the many clothing manufacturers in New York City. There are numerous other instances of enlightened union leadership. For these, and other reasons unionism cannot properly be called "totally bad." The union by its very nature requires a certain amount of solidarity in its members. Such solidarity cannot be said to be prop-

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RIGHT-TO-WORK (continued from page 5)
erly free when hemmed in by such a burden (fostered by management) as Right to Work laws.

The arguments against Right to Work laws, moreover, as promulgated by the article cited, actually are a discussion of a now moot point. Though we may still agree with the minority, the majority decision has been rendered. In a democracy, once a vote is taken, it is the duty of the defeated faction to respect the majority decision -- like it or not. It is "not cricket" to snipe at the settled law, duly adopted.

LAW REVIEW CONFERENCE by Joan Holdridge

On April 3rd and 4th, representatives from most of the law reviews in the nation met at Western Reserve University to discuss their mutual problems. Our school sent four members of the staff to the meeting, Naomi Stewart, the editor, and Dr. Irwin Perr, Rathuel McCollum and Joan Holdridge, associate editors. The only other night school represented was South Texas Law School.

It was interesting to learn that our law review is the only one which permits the students to write articles. The others only allow the students to write case notes and comments, the articles being written only by professors and specialists in the field.

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Not only is the student not considered capable of writing an article, but he is also subjected to the most rigorous supervision in the writing of his case note or comment, often being required to rewrite it as many as eight or nine times. All of the research which he does is duplicated by an editor to see if he has done it properly and every footnote is checked to see if it is correct. As a result, the student does not even receive credit for writing the case note or comment. Our students, of course, receive full credit for their articles.

Membership on many of the law reviews is on an entirely scholastic basis. Some schools automatically place every student of a certain rank in the class on the law review, and in a few cases, the high-man in the class automatically becomes the editor. In some cases the members elect the new members, thus making the law review little more than a club. Thus, it would seem that the policy of our law review in basing membership on presentation of a satisfactory article and a 75 average is one of the most democratic and reasonable.

In addition to the business portion of the convention, Justice Reed, retired, of the U.S. Supreme Court gave an address at the banquet on Friday night on the effect of the various Supreme Court decisions on our nation since the first term of Franklin D. Roosevelt. He also discussed some of the possible changes in our law due to the recent civil rights rulings. His speech was an extremely informative one of vital interest today.